

### **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated June 18, 2008, (hereinafter Office Action) have been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter and in an effort to facilitate prosecution, Applicant has amended each of the independent claims to indicate that the virtual identifier is used to establish a communications connection between a first and second user equipment while taking into account predetermined limitations. Support for these changes may be found in the instant Specification, for example, at paragraphs [0026] and [0029]; therefore, the changes do not introduce new matter. The pending claims are believed to be patentable over the asserted references for the reasons set forth below.

None of the asserted references (Otto, Stolfo, and Junda) teaches using a virtual identifier to establish a communication connection between a first and second user equipment as now claimed. As acknowledged at page four of the Office Action, Otto requires that any communication with a second user equipment must be "processed through proxy server"; therefore, a communication connection is not established between a first and a second user equipment in Otto. Rather, any communication connection established by the first user equipment using the asserted virtual identifier is established with the proxy server, which is not a user equipment, as claimed. Similarly, Stolfo teaches that "[t]he proxy software on the user's computer and the proxy computer(s) cause all communications for second parties to be routed through a proxy computer" (Col. 15, lines 14-17), such that requested proxy information (asserted as corresponding to the claimed virtual identifier) is used for communication between a proxy computer and second parties. Also, the proxy personal information of Junda is not used to establish a communications connection nor does it identify a first user equipment, as claimed. Thus, none of the asserted references teaches or suggests using the asserted virtual identifiers to establish a communications connection between first and second user equipments. As none of the asserted references

teaches or suggests these limitations, any combination thereof must also fail to correspond to such limitations. Without correspondence to each of the claimed limitations, the § 103(a) rejections would be improper.

In addition, the asserted combination of references fails to teach a virtual identifier consisting at least partly of numbers where at least a portion of the numbers identify the virtual identifier as a virtual identifier. For example, there is no indication that the proxy account numbers of Otto or Junda are generated to match other proxy account numbers or to be identifiable as proxy accounts. Although Junda's account number is incorporated into different pieces of proxy information, there is no suggestion that such account number is identifiable as a proxy account number. Also, there is no suggestion in Stolfo that the proxy IP address is arranged to be identifiable as a proxy address. As the asserted references do not teach the above-discussed limitations, any combination thereof must also fail to teach such limitations. Without correspondence to each of the claimed limitations, each of the § 103(a) rejections is improper. Applicant accordingly requests that the rejections be withdrawn.

Dependent Claims 2, 3, 5, 8, 10-14, 16, 18-20, 22, and 37-52 depend from independent Claims 1, 15, 21, 30, and 31, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the asserted combination of Otto, Stolfo, and Junda. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the above remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2, 3, 5, 8, 10-14, 16, 18-20, 22, and 37-52 are also patentable over the asserted combination of Otto, Stolfo, and Junda.

With respect to the rejections of various dependent claims, the further reliance on the teachings of WO 00/12364 to Lumme *et al.* (hereinafter “Lumme”) and U.S. Patent No. 6,968,385 to Gilbert (hereinafter “Gilbert”) does not overcome the above-discussed deficiencies in the teachings of Otto, Stolfo, and Junda. Neither Lumme nor Gilbert has been shown to teach using a virtual identifier to establish a communication connection between a first and second user equipment. As neither Lumme nor Gilbert teaches or suggests these claim limitations, any combination of these teachings with those of Otto, Stolfo, and Junda must also fail to teach such limitations. Thus, the § 103(a) rejection of dependent Claims 9, 23, 27, 33, and 35 should also not be maintained. Applicant accordingly requests that the rejections be withdrawn.

With particular respect to Claim 36, the rejection should not be maintained for the reasons set forth above in connection with the asserted combination of Otto, Stolfo, and Junda. For example, none of the asserted references appear to teach using a virtual identifier to establish a communication connection between a first and second user equipment, as now claimed. Moreover, the asserted validation of a user to a web site using a temporary login and checking a time stamp fails to correspond to the claimed comparison of virtual identifiers with characteristic identifiers of a user equipment. Thus, the asserted combination of references does not teach or suggest each of the limitations of Claim 36, and Applicant requests that the rejection be withdrawn.

With particular respect to independent Claim 34, Applicant again notes that this claim is not included in any of the statements of rejection. MPEP § 707.07(d) indicates that where a claim is refused the word “reject” must be used and the statutory basis for any ground of rejection should be designated by an express reference in the opening sentence of each ground of rejection. While it appears that the Examiner intended to reject Claim 34 upon the same basis of the rejection of Claims 1-3, 5, 8, 10-16, 18-22, 30, 31 and 37-52, such a rejection would be improper for the reasons discussed above in connection with the failure of the asserted combination of Otto, Stolfo, and Junda to correspond to the claimed invention. If this was not the Examiner’s intention, Applicant requests clarification, an opportunity to respond, and that any future rejections comply with MPEP § 707.07(d).

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, non-functional limitations, intended use, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Claims 1, 15, and 30 have been amended to alter the wording of the claims. For example, the preambles have been shortened. These changes are not made for any reasons related to patentability or to the asserted references and do not introduce new matter. These claims, with or without the changes, are believed to be patentable over the teachings of the asserted references for the reasons set forth above.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.055PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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